

Justin Odell Langford[®] [1159546]

LCC

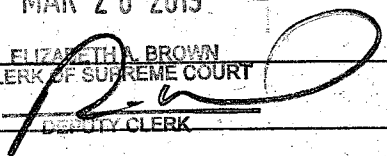
1200 Prison Rd.

Lovelock, NV 00000

In Propria Persona

FILED

MAR 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

SUPREME COURT
STATE OF NEVADA

JUSTIN ODELL LANGFORD[®]

Petitioner,

Supp. No. 75825

-VS-

STATE OF NEVADA,

Omnibus Motion

Respondent,

COMES NOW, Justin Odell Langford, Authorized
Representative, Attorney-In-Fact on Behalf of JUSTIN
ODELL LANGFORD, Debtor, Ens legis.

These Motions are made and based upon the
Following Nevada Revised Statutes (NRS) 177.105,
177.135, 177.145, 177.155 and 18 U.S.C.S. § 3143. This
application is further made and based upon some of the
Files, papers and pleadings on file herein the attached
Points and Authorities in support hereto,
Dated this 25th day of October, 2018.

Without Prejudice VCC 1-308

Justin Odell Langford *[Signature]* Sui Juris

RECEIVED

MAR 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

19-12468

Points And Authorities

Arguments

A) APPLICATION FOR BAIL

The Petitioner, mercifully comes to this Honorable Court, asking it to set a reasonable bail for him. Pending the outcome of all his appeals to return to custody if all appeals are denied. This application is Made Pursuant to NRS 178.488-Right to bail upon Review;

Bail may be allowed pending appeal or certiorari...

This application for bail is further made and based upon NRS 172.145-Application for relief pending review;

If application is made to a district court, the Court of Appeals or a justice of the Supreme Court for bail pending appeal or for an extension of time for filing the record on appeal or for any other relief which might have been granted by the trial court, the application shall be upon notice and shall show that:

- 1) Application to the court below or a judge thereof is not practicable
- 2) Application has been made and denied, with the reasons given for the denial, or
- 3) The action on the application did not afford the relief to which the applicant considers himself or herself

To be entitled.

The appellant originally applied for bail in this court last year in which he was told need to file in the lower courts first, the Appellant did this was done and denied by the lower courts. The Appellant then refiled in this court and do to not mentioning he had gone back to the lower courts said application was denied again. But per NRS 177.155 this court has Jurisdiction until it has filed a remittor, in which it deprives the lower court of jurisdiction, See *Buffington v. State*, 120 Nev. 124, 868 P2d 643, 110 Nev. Adv. Rep. 17, 1994 Nev. Lexis 17 (Nev. 1994).

"Bail is to be denied only in cases in which, from substantial evidence, it seems clear that the right to bail may be abused or the community may be threatened by the applicant's release." *In re Austin*, 86 Nev. 798, 477 P2d 873, 1970 Nev. LEXIS 622 (Nev. 1970). When a person is convicted of First-degree murder can and is allowed bail, pursuant to NRS 178.484(4). See *Bergna v. State*, 120 Nev. 869, 102 P.3d 549, 120 Nev. Adv. Rep. 92, 2004 Nev. LEXIS 125 (Nev. 2004); see also *Lane v. State*, 98 Nev. 458, 652 P2d 1174, 1982 nev. LEXIS 502 (Nev. 1982), Dismissed, 100 Nev. 814, 808 P2d 16, 1984 Nev. LEXIS 667 (Nev. 1984).

The Petitioner had no misconduct during his trial, that there were numerous harmful errors at trial and prior to trial. These errors include ineffective assistance of Counsel, prosecutorial misconduct, denial of discovery. There is newly discovered evidence in the Petitioner's

Case, the Petitioner has been deemed disabled mentally since Sept. of 2010 due to Bi-polar syndrome and can't get the medical care needed to stabilize him mentally. Petitioner was seeing Dr. Ron Zedek on the street and trying to get stabilized on meds. The fact that the Petitioner has been deemed disabled is actually newly discovered evidence. The Petitioner has resided in the community since May of 2008, and in 2010 the petitioner had a case in this state and was released on Bail and made every Court appearance as ordered. See State v. McFarlin, 41 Nev. 105, 167 p. 1011, 1917 Nev. LEXIS 26 (Nev. 1917).

The Petitioner has four different items on appeal with this court, and in the Petitioner's case All can send him home except the challenge to the Denial of DNA Marker Analysis petition. See U.S. v. Garcia, 340 F.3d 1013, 1019-20 (9th cir. 2003), the Petitioner has put everything that it can consider for granting ~~of~~ his Application for bail by law and state rulings.

B.) Application For Stay Of Sentence

NRS 34.726(2) states in pertinent parts:

The execution of a sentence must not be stayed for the period in subsection 1 solely because a petition may be filed within that period. A stay of sentence must not be granted unless:

that way either. The Applicant can get everything set and taken care of for his family to have temporary custody while he deals with his legal issues in this court. If granted stay of sentence with bail, the applicant will have access to funds that he can't access while in custody. Once he has access to those funds he can handle the issue with his daughter.

The Applicant has filed two writs of Habeas Corpus in which both have multiple counts with supporting facts, that when granted will reverse his conviction and send him home, applicant also has a motion for correction of Illegal Sentence due to lack of Jurisdiction. Also Petition for Writ of Habeas is suppose to be an expediant means of post conviction relief, but this court is choosing to sit on his appeals that have been in front of Judges for approx. 6 months now this is not expediant by any means.

Conclusion

In closing the appellant ask this Honorable Court to grant both of his request, and reminds this Court that he did file his request in the lower Court as you asked him to do and they were denied, and pursuant to the NRS the Lower Courts have no Jurisdiction to grant that request once this Court obtains Jurisdiction. This court has sat on the appellants appeals and delaying due process.

Certificate of Service

I Justin Langford, certify that I have attached a true copy of the foregoing motion. With special instructions for electronic filing & Service to the clerk of Court to serve all of my opponents pursuant to N.E.F.C.R 5(K), 9 et seq. (a-E) etc